

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK**

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**JOHN DOE #1, JOHN DOE #2, JOHN DOE  
#3, JOHN DOE #4, JOHN DOE #5, JOHN  
DOE #6, JOHN DOE #7, JOHN DOE #8,  
and JOHN DOE #9,**

Plaintiffs,

Case No.: 5:18-cv-496 (FJS/DEP)

v.

**SYRACUSE UNIVERSITY, KENT  
SYVERUD, individually and as Chancellor  
of Syracuse University, ROBERT  
HRADSKY, individually and as Syracuse  
University Dean of Students and Associate  
Vice President of the Student Experience,  
and TERESA ABI-NADER DAHLBERG,  
individually and as the Dean of the College  
of Engineering and Computer Science,**

Defendants.

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**DECLARATION OF KAREN G. FELTER IN SUPPORT OF PLAINTIFFS'  
CROSS-MOTION VIA ORDER TO SHOW CAUSE TO VOLUNTARILY DISMISS THE ACTION  
WITHOUT PREJUDICE PURSUANT TO FED. R. CIV. P. 41(a)(2)**

Karen G. Felter, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am an attorney licensed to practice law in the State of New York and am admitted to practice in all New York State courts and in the United States District Court for the Northern District of New York.
2. I am a partner in the law firm of Smith, Sovik, Kendrick & Sugnet, P.C., attorneys for Plaintiffs, JOHN DOES #1 through #9. I am fully familiar with the facts and circumstances surrounding this case.
3. I submit this Declaration in support of Plaintiffs' Cross-Motion, filed by Order to Show Cause, to dismiss this action without prejudice.

4. As discussed in the accompanying Memorandum of Law, Petitioners have presented sufficient grounds to voluntarily withdraw their Third Amended Complaint by Court Order without prejudice pursuant to Fed. R. Civ. P. 41 (a) (2).

5. The following Exhibits are attached to this Declaration:

**Exhibit “A”** Order to Show Cause dated August 28, 2018 submitted by Respondent/Defendant, Syracuse University, in New York State Supreme Court, Jefferson County.

**PLAINTIFFS HAVE ACTED IN GOOD FAITH**

6. As the Third Amended Complaint makes clear, this action is for money damages only. This action presents to request for equitable relief. In contrast, the Article 78 Verified Petition is equally clear that it seeks only equitable relief: vacating and annulling the Defendant/Respondent University’s final disciplinary determinations.

7. I adopt by reference the procedural and factual history stated in my letter to the Court dated August 30, 2018, which details how the preliminary injunctive relief in this action differs from the stay entered in the Article 78 proceeding. Dkt. #58; *see also* Dkt. # 51 (incorporated by reference here).

8. Additionally, as discussed in the Declaration of Kevin E. Hulslander, Esq., dated August 30, 2018, Plaintiffs *never* made affirmative representations that they would bring their Article 78 claims here. Dkt. #61 at ¶¶ 6–11. Furthermore, even if they did, it would not alter their right to bring the action in Jefferson County. *Id.* at ¶ 11.

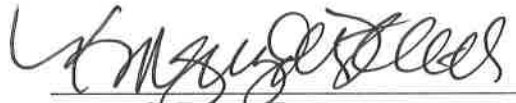
**GOOD CAUSE FOR MAKING THIS MOTION BY ORDER TO  
SHOW CAUSE EXISTS BECAUSE THE MOTION COULD RESULT  
IN A VOLUNTARY DISMISSAL WITHOUT PREJUDICE,  
MOOTING DEFENDANTS' PENDING ORDER TO SHOW CAUSE**

9. Defendants' currently-pending motion, brought by Order to Show Cause, seeks to enjoin a state court from exercising its otherwise valid jurisdiction solely on the basis that this action is pending. Dkt. # 54.

10. Plaintiffs' current motion to voluntarily discontinue the action without prejudice would moot Defendants' motion.

11. As a result, Plaintiffs have established sufficient cause for making this motion by an Order to Show Cause.

Dated: August 30, 2018

  
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Karen G. Felter, Esq.